

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

<b>Rock Creek Capital, LLC,</b>	)	<b>Case No.:</b> <u>2:19-cv-02368-DCN</u>
	)	<b>(Formerly C/A No.: 2019CP1800956)</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>Bonnell L. Williams, Jr. and Bonnell Williams,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	
<hr style="width: 30%; margin-left: 0;"/>	)	<b>ANSWER TO THIRD-PARTY COMPLAINT</b>
	)	
<b>Bonnell L. Williams, Jr. and Bonnell Williams,</b>	)	
	)	
<b>Third-Party Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>(JURY TRIAL DEMANDED)</b>
	)	
<b>Clarkson &amp; Hale, LLC,</b>	)	
	)	
<b>Third-Party Defendants.</b>	)	
<hr style="width: 30%; margin-left: 0;"/>	)	

COMES NOW, the Defendant, Clarkson & Hale, LLC, by and through its undersigned attorneys, answering the Complaint of the Plaintiff, would allege and show unto the Court:

**FOR A FIRST DEFENSE**

1. Each and every allegation of the Plaintiff's Complaint not specifically admitted herein is denied.

2. Paragraphs 1-17 are not directed to Third-Party Defendant, and, therefore, no response is required. To the extent a response is required, Third-Party Defendant denies the same and demands strict proof thereof.

3. Responding to Paragraph 18, Third-Party Defendant realleges and incorporates by reference every preceding paragraph as if set forth fully herein.

4. Paragraphs 19 through 21 are legal conclusions and no response is required. To the extent a response is required, these paragraphs are denied and Third-Party Defendant demands strict proof thereof.

5. Paragraphs 22 through 27 are denied.

6. Responding to Paragraph 28, Third-Party Defendant realleges and incorporates by reference every preceding paragraph as if set forth fully herein

7. Paragraphs 29 through 32 are legal conclusions and no response is required. To the extent a response is required, Third-Party Defendant denies these paragraphs and demands strict proof thereof.

8. Paragraphs 33 through 37 are denied.

9. Responding to Paragraph 38, Third-Party Defendant realleges and incorporates by reference every preceding paragraph as if set forth fully herein.

10. Paragraph 39 is denied.

11. Paragraph 40 is a legal conclusion and no response is required. To the extent a response is required, Third-Party Defendant denies the same and demands strict proof thereof.

11. Paragraph 41 is denied.

12. Paragraph 42 is denied.

13. The Paragraph beginning with WHEREFORE, and its subparts are denied.

**FOR A SECOND DEFENSE**  
**(Failure to State Claim)**

14. The allegations contained in the paragraphs above, not inconsistent herewith, are hereby realleged as if set forth herein verbatim.

15. Defendant would show that the Plaintiff's Complaint fails to state a claim upon which relief can be granted, and, therefore should be dismissed pursuant to Rule 12 of the Federal Rules of Civil Procedure.

**FOR A THIRD DEFENSE**  
**(Statute of Limitations)**

16. The allegations contained in the paragraphs above, not inconsistent herewith, are hereby realleged as if set forth herein verbatim.

17. Defendant would show that this action is barred by the applicable Statute of Limitations.

**FOR A FOURTH DEFENSE**  
**(Intervening and Superseding Fault)**

18. The allegations contained in the paragraphs above, not inconsistent herewith, are hereby realleged as if set forth herein verbatim.

19. Defendant would show that such injuries or losses that Plaintiff sustained, if any, were not caused by any negligence on the part of Defendant, but were rather due to and caused by the intervening and superseding fault, breach of warranty or act or omission of a third party, over which Defendant had no control.

**FOR A FIFTH DEFENSE**  
**(Defenses Reserved)**

20. In the event any class is certified, Third-Party Defendant reserves the right to assert any and all other further defenses against the class that may be certified as well as any individual member(s) thereof.

21. Third-Party Defendant further reserves the right to rely on additional defenses that become available or apparent during the discovery proceedings in this action and Third-Party Defendant specifically reserves the right to amend its Answer and to assert additional affirmative defenses as facts supporting such defenses are revealed.

**WHEREFORE**, having fully answered, Third-Party Defendant prays that the Third-Party Plaintiff's Complaint be dismissed with costs, attorney's fees, and such other and further relief this Court deems just and proper.

The Third-Party Defendant demands a jury trial.

Respectfully submitted,

**SWEENY, WINGATE & BARROW, P.A.**

s/Martin S. Driggers, Jr. Fed. I.D. No. 7305  
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**COUNSEL FOR THIRD PARTY DEFENDANT**

August 22, 2019